
JUSTIFICATION FOR OTHER THAN FULL AND OPEN COMPETITION

SUBJECT: JOFOC
ORDER: EP-W-07-053 & EP-11-H-00803, BRIDGE REQUIREMENT
CONTRACTOR: APEX LOGISTICS, LLC
DATE: JANUARY 23, 2012



JUSTIFICATION

I. Nature and/or description of the action being approved.

This Justification for Other than Full and Open Competition will allow for continuity of services, via a one-year bridge contract. The additional year of service will serve solely to provide for continuity of services, while the new Contract is being competed and awarded, in accordance with FAR 15 procedures.

Due to the accidental expiration of the contract, a 6 month bridge purchase order was awarded on August 31, 2011, to allow for continuity of services while the work was being recompeted. The intent, as was published to FBO on August 2, 2011, was to compete the requirement via Far 8.4. During that competition, no acceptable responses were received and the need to resolicit in the open market arose.

Due to changes in federal regulations concerning FAR 13.5 "Test Program for Certain Commercial Items", the previous acquisition plan for a one-year competitive Purchase Order, followed by a 5-year competitive FAR 15 award was no longer feasible, due to the severe increase in time and effort required to issue the one-year competitive requirement under FAR 15 vs FAR 13. As the current bridge expires on 2/29/12, the revised plan is to award a one-year non-competitive bridge, to be followed by a 5 year FAR 15 competitive award.

Contract EP-W-07-053 was awarded on May 3, 2007 with a base period from June 1, 2007 through May 31, 2008 and four one-year option periods (beginning June 1, 2008 and ending May 31, 2012). Furthermore, the original contract included FAR 52.217-8 "Option to Extend Services" allowing for an additional 6 months, which would have provided for a full 5.5 years of service under the original competed contract. The contract was in the third option period when it was erroneously allowed to expire.

The maximum period of performance to be covered by this JOFOC was previously competed and negotiated at the time of award of Contract EP-W-07-053. The total maximum period of performance (5.5years), will not be exceeded by awarding this new bridge contract. The contractor provided support under the original contract for 4 years, an additional 6 months via EP-11-H-000803, and will be requested to provide an additional year via the new bridge order being requested. Therefore, combined, services provided by the contractor would total 5.5 years, as was originally envisioned when EP-W-07-053 was competed and awarded.

II. A description of the supplies or services required to meet the agency's needs (including the estimated value).

The Environmental Protection Agency currently contracts with Apex Logistics, LLC (Apex) to provide labor services and warehouse operations support for its Headquarters locations. This contract includes several mission critical services, which upon review, cannot be interrupted. One critical service that this contract provides is for emergency clean up services. For example, should an EPA building flood, the EPA will not have a contract vehicle in place to clean-up the damage. Therefore, employees will be displaced and work will cease. The following list of services details other critical services provided under the current contract, which cannot be stopped while the re-procurement efforts are underway:

- **Maintain the Integrated Financial Management System (IFMS) or its successor tracking system.**
- **Storage of sensitive items:** Desktop & laptop computers, projectors, PDA's, video cameras, scanners, televisions, electronic recording equipment, electronic meters, firearms and medical and technical equipment.
- **Property Accountability Services:** Application of decals to all accountable and sensitive EPA and leased property.
- **Relocation Services:** Scheduling, planning, loading, unloading, packing, unpacking and storage.
- **Collect Recyclables:** newspapers and other paper, bottles, cans and plastics, toner cartridges and batteries recycling for delivery to the EPA East/West and Potomac Yard loading docks for pickup by GSA.
- **Reconfigure Space:** Conference room table and chairs; deliver and set up stages, podiums, flags and other property and equipment in support of official EPA functions and special events.
- **Shipment and Receiving of Government Property:** Delivery of carpet, furniture, supplies and equipment.
- **Emergency Clean-up Services:** Move furniture (i.e., free standing), equipment (i.e. computers), ceiling tiles, pick up trash and debris, etc

The above referenced services are estimated at roughly \$2.3mil for the required one-year period. This estimate was configured using a recent IGCE submitted by the Program Office. A final and official IGCE has not yet been submitted by the program office.

III. An identification of the statutory Authority permitting other than full and open competition.

6.302-1 Only one responsible source and no other supplies or services will satisfy agency requirements.

IV. A demonstration that the proposed contractor's unique qualifications or the nature of the acquisition requires use of the authority cited.

Delay in award of a contract would result in serious hardship to the Government should the services not continue. Apex logistics, LLC provides imperative services needed for EPA staff to function daily. Without the services, the Facilities Management Services Division would be unable to meet its mission, which would adversely affect the entire EPA. This bridge contract will allow the vendor to continue

providing services while the new contract is being competed and awarded and will allow for a transition period between the current and the new contractor. This transition period is crucial to the continuity of services. Based on initial market research conducted, a period of at least a month is required to properly transition these types of services from one contractor to another.

Apex has unique qualifications that differentiate them from other vendors. As the current contract holder for over four years, Apex has intrinsic knowledge about EPA processes that enables them to respond to the Government's need faster than another vendor. Apex currently uses IFMS which allows them to quickly track and access lists of supplies in the warehouse. Without knowledge of IFMS, it would take vendors a longer time frame to locate and track Government property. Since the agency is responsible for missing equipment and vulnerable to lost, stolen or missing supplies, it is essential that the vendor has this intrinsic knowledge. Additionally, without this service, the agency's reporting requirements would not be met or maintained properly.

V. A description of efforts made to ensure that offers are solicited from as many potential sources as is practicable, including whether a notice was or will be publicized as required by Subpart 5.2 and, if not, which exception under 5.202 applies. (Notice required for requirements over \$15k)

A pre-award sole source notification will be posted to Fedbizopps allowing vendors an opportunity to respond to the EPA's intent to sole source. The following competitive award will be issued in accordance with FAR 15 and posted publically in order to maximize competition.

In accordance with FAR 3.603-2(b)(7), the anticipated cost for this requirement is expected to be similar to the originally competed contract and the more recently awarded bridge order EP-11-H-00803, both of which were considered fair and reasonable. Therefore, the anticipated cost to the Government can be considered to be fair and reasonable.

VI. A description of the market research conducted (see FAR Part 10) and the results or a statement of the reason market research was not conducted.

After the first bridge order (EP-11-H-00803) was awarded, market research was conducted via GSA E-library and it was determined that the current vendor did not have a GSA contract. Though, other vendors who were contacted confirmed their interest in the 5-year requirement and their intention to submit a response once the RFQ was issued. Therefore, the re-compete was initially intended to be awarded using FAR 8.4 procedures. Though, by the RFQ's due date, no GSA schedule vendor's had responded, after which the RFQ was canceled and is now being reissued via FAR 15.

Based on the initial market research conducted for the re-compete, we have every expectation that the resulting 5-year RFP will be competitive. Additional market research will confirm specific set-aside criteria, although the current intent is for the permanent competitive award to be set aside as a small business opportunity.

Additionally, vendors that were contacted indicated that a transition period would be required between the old and new contracts. Including the transition period, EPA would need to allow for at least 5 weeks for the vendor to properly take over and begin work under this requirement.

VII. Any other facts supporting the use of other than full and open competition:

N/A

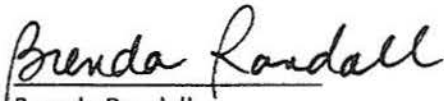
VIII. A listing of the sources, if any that expressed, in writing, an interest in the acquisition.

None.

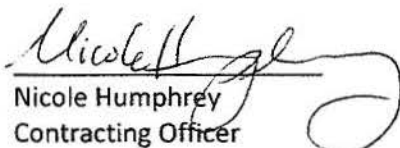
IX. A statement of the actions, if any, the agency may take to remove or overcome any barriers to competition before any subsequent acquisition for the supplies or services required.

This section is not applicable to this specific requirement, as it will serve solely as a bridging solution until the new contract is re-competed using FAR 15 procedures.

This justification is accurate and complete to the best of the contracting officer's knowledge and belief.

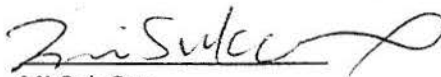
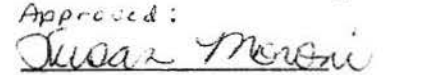

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